

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of:	Sun, Yukun et al.	Confirmation No.:	3780
Patent No.:	7,544,512		
Issued:	June 9, 2009	Art Unit:	1653
Application No.:	10/761,717		
Filed:	January 20, 2004	Examiner:	Samuel W. Liu
For:	METHOD OF PRODUCING INSULINOTROPIC GLP-1 (7-36) POLYPEPTIDE AND/OR GLP-1 ANALOGS		

APPLICATION FOR PATENT TERM ADJUSTMENT RECONSIDERATION
UNDER 37 C.F.R. §1.705(D)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Applicant requests reconsideration of the patent term adjustment indicated on the patent certificate for the above-identified matter.

(1) Applicant is including the fee set forth in 37 C.F.R. §1.18(e). Please charge any deficiencies or credit any overpayment to our Deposit Account No. 50-2586, under Order No. 57783.8004.US00 from which the undersigned is authorized to draw.

(2) Statement of Facts

(i) Correct Patent Term Adjustment and Bases for Adjustment

The correct patent term adjustment is 563 days. The PTO's calculated patent term adjustment is 246 days. Applicant is entitled to an additional 317 days of patent term adjustment.

The PTO failed to properly account for the delay under 35 U.S.C. §1.54(b)(1)(A), referred to as the "A delay." The A delay is 317 days.

The PTO failed to properly account for the delay under 35 U.S.C. §1.54(b)(1)(B), referred to as the "B delay." The B delay is 871 days.

The PTO failed to properly account for the overlap under 35 U.S.C. §1.54(b)(2)(A) in the A delay and the B delay. The overlap is 0 days.

The PTO properly accounted for the reduction in patent term adjustment under 35 U.S.C. §1.54(b)(2)(C). The reduction is 625 days.

The correct patent term adjustment is the sum of the A delay and the B delay minus the overlap and minus the reduction. Thus, the correct patent term adjustment is $317+871-0-625$, which is 563 days.

(ii) Relevant Dates

A Delay		
Filing Date	1/20/2004	↓
First Office Action	11/17/2005	242
Reply	1/17/2006	↓
Second Office Action	7/31/2006	75
Total		317

B Delay		
Filing Date	1/20/2004	↓
Issue Date	6/9/2009	871
Total		871

Overlap		
14-Month Date	3/20/2005	↓
Second Office Action	7/31/2006	↓
3-Year Date	1/20/2007	↓
Issue Date	6/9/2009	↓
Total		0

Reduction		
Second Office Action	7/31/2006	↓
Reply	6/16/2008	594
Third Office Action	9/15/2008	↓
Reply	1/15/2009	31
Total		625

(iii) Terminal Disclaimer

The patent is not subject to a terminal disclaimer.

(iv) Failure to Engage in Reasonable Efforts

Applicant is not contesting the reduction in patent term adjustment of 625 days as accounted for by the PTO that are "deemed" to be a failure to engage in reasonable efforts under 37 C.F.R. §1.704.

Dated: July 28, 2009

Respectfully submitted,

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